

**REMARKS**

Reconsideration of the Office action mailed on June 8, 2005 is requested in view of the foregoing amendments and the following remarks.

**Special Circumstances**

The Examiner asked applicant to point out any material information from co-pending applications listed as parents to the instant application if the criteria for materiality applies and if the examination record provides reason for applicant to believe that the Examiner has not considered such information. Applicant has previously identified applications and believes that identification satisfies the duty of disclosure. Applicant is also attaching an updated list of applications and patents to this document. The Examiner is requested to inform applicant if further information is needed.

**Double Patenting**

The Examiner stated: "It should be noted that for the purpose of this office action the below rejections under 35 U.S.C. 101 (double patenting) are being made under the assumption that the applications were not commonly owned at the time of applicant's invention." (Office Action, 2.) Applicant is uncertain what the Examiner means by this statement. The double patenting rejections set forth in the Office Action were made under the judicially created doctrine of obviousness-type double patenting, not under 35 U.S.C. 101, so applicant does not understand why reference was made to that statute. Additionally, as far as applicant is aware, obviousness-type double patenting rejections are made between commonly owned applications so applicant does not understand why the assumption was made that the applications were not commonly owned. The

Examiner is requested to inform applicant if further information concerning these points is needed.

The Examiner also stated: "Additionally, it should be noted that the below double patenting rejections are based upon known and available co-pending applications and although it is believed that all appropriate rejections have been made, Applicant's help in determining all appropriate double patenting rejections with all of Applicant's applications is requested because of the large number of similar applications." (Office Action, 2.) Applicant is uncertain what help the Examiner is requesting. To the extent the Examiner is asking for identification of applicant's patents and co-pending applications, then, as stated above, applicant has attached to the end of this document a list of its patents and patent applications. Additionally, to the extent that applicant is aware of any double patenting issue, applicant will take some action to address or defer the issue, such as by amending or canceling claims, by traversing the rejection, by filing a terminal disclaimer, or by taking some other action. The Examiner is requested to inform applicant if further information concerning this issue is needed.

The Examiner made a number of rejections under the judicially created doctrine of obviousness-type double patenting. Those rejections are traversed. Nevertheless, applicant has amended claim 1 and canceled claims 2-10 without prejudice in order to more particularly identify the protection sought in this application and to defer any double patenting questions. Applicant believes all double patenting rejections have been overcome by the amendment to claim 1.

**Claim Rejections – 35 USC 103**

Claim 1 was rejected under 35 USC 103(a) as obvious in light of Suzuki (US Patent 5,791,224) combined with Lokey (US Patent 3,785,230), Friemann (US Patent 3,858,095), Yoneda (US Patent 4,117,752) or DE 19,609,771. That rejection is traversed. Claim 1, however, has been amended for the reasons given above. Applicant believes this amendment also overcomes the obviousness rejection. Amended claim 1 describes a miter saw with "a pivot arm assembly ... adapted to pivot toward and away from [a] base to move [a] blade toward and away from the base," and a reaction subsystem with "a brake mechanism positioned adjacent the blade and adapted to engage the blade and further adapted to maintain its position adjacent the blade when the blade moves toward or away from the base." None of the cited references disclose these limitations and therefore the claim is not obvious. MPEP 2143.03 (all claim limitations must be taught or suggested).

**Conclusion**

Applicant submits that all of the issues raised in the Office action mailed June 8, 2005 have been addressed and overcome, and therefore, the application should be allowed.

Respectfully submitted,

SD3, LLC



David A. Fanning, Esq.  
Registration No. 33,233  
Customer No. 27630  
22409 S.W. Newland Road  
Wilsonville, Oregon 97070  
Telephone: (503) 638-6201  
Facsimile: (503) 638-8601

**Attachment 1**

<u>Title</u>	<u>Serial No.</u> <u>Publication No.</u> <u>Patent No.</u>	<u>Filing Date</u> <u>Publication Date</u> <u>Issue Date</u>
Detection System For Power Equipment	09/929,426 2002-0017176-A1	August 13, 2001 February 14, 2002
Contact Detection System For Power Equipment	60/225,200	August 14, 2000
Apparatus And Method For Detecting Dangerous Conditions In Power Equipment	09/929,221 2002-0017336-A1	August 13, 2001 February 14, 2002
Apparatus And Method For Detecting Dangerous Conditions In Power Equipment	60/225,211	August 14, 2000
Firing Subsystem For Use In A Fast-Acting Safety System	09/929,240 2002-0020263-A1	August 13, 2001 February 21, 2002
Firing Subsystem For Use In A Fast-Acting Safety System	60/225,056	August 14, 2000
Spring-Biased Brake Mechanism For Power Equipment	09/929,227 2002-0020271-A1	August 13, 2001 February 21, 2002
Spring-Biased Brake Mechanism For Power Equipment	60/225,170	August 14, 2000
Brake Mechanism For Power Equipment	09/929,241 2002-0017180-A1	August 13, 2001 February 14, 2002
Brake Mechanism For Power Equipment	60/225,169	August 14, 2000
Retraction System For Use In Power Equipment	09/929,242 2002-0017181-A1	August 13, 2001 February 14, 2002
Retraction System For Use In Power Equipment	60/225,089	August 14, 2000
Safety Methods For Use In Power Equipment	10/984,643	November 8, 2004
Replaceable Brake Mechanism For Power Equipment	09/929,236 2002-0020261-A1	August 13, 2001 February 21, 2002
Replaceable Brake Mechanism For Power Equipment	60/225,201	August 14, 2000
Brake Positioning System	09/929,244 2002-0017182-A1 6,857,345	August 13, 2001 February 14, 2002 February 22, 2005
Brake Positioning System	60/225,212	August 14, 2000

Page 8 - FIRST AMENDMENT  
 Serial No. 10/643,296

<u>Title</u>	<u>Serial No.</u> <u>Publication No.</u> <u>Patent No.</u>	<u>Filing Date</u> <u>Publication Date</u> <u>Issue Date</u>
<u>Brake Positioning System</u>	11/061,162	February 18, 2005
<u>Logic Control For Fast-Acting Safety System</u>	09/929,237 2002-0020262-A1	August 13, 2001 February 21, 2002
<u>Logic Control For Fast-Acting Safety System</u>	60/225,059	August 14, 2000
<u>Motion Detecting System For Use In A Safety System For Power Equipment</u>	09/929,234 2002-0017178-A1	August 13, 2001 February 14, 2002
<u>Motion Detecting System For Use In A Safety System For Power Equipment</u>	60/225,094	August 14, 2000
<u>Translation Stop For Use In Power Equipment</u>	09/929,425 2002-0017175-A1	August 13, 2001 February 14, 2002
<u>Translation Stop For Use In Power Equipment</u>	60/225,210	August 14, 2000
<u>Translation Stop For Use In Power Equipment</u>	60/233,459	September 18, 2000
<u>Cutting Tool Safety System</u>	09/929,226 2002-0017183-A1	August 13, 2001 February 14, 2002
<u>Cutting Tool Safety System</u>	60/225,206	August 14, 2000
<u>Table Saw With Improved Safety System</u>	09/929,235 2002-0017184-A1	August 13, 2001 February 14, 2002
<u>Table Saw With Improved Safety System</u>	60/225,058	August 14, 2000
<u>Miter Saw With Improved Safety System</u>	09/929,238 2002-0017179-A1	August 13, 2001 February 14, 2002
<u>Miter Saw With Improved Safety System</u>	60/225,057	August 14, 2000
<u>Fast Acting Safety Stop</u>	60/157,340	October 1, 1999
<u>Safety Systems For Power Equipment</u>	09/676,190	September 29, 2000
<u>Fast-Acting Safety Stop</u>	60/182,866	February 16, 2000
<u>Fast-Acting Safety Stop (Taiwan patent)</u>	143466	February 25, 2002
<u>Safety Systems for Power Equipment (PCT)</u>	PCT/US00/26812	September 29, 2000
<u>Safety Systems for Power Equipment (Australia)</u>	79888/00	March 26, 2002

<u>Title</u>	<u>Serial No.</u> <u>Publication No.</u> <u>Patent No.</u>	<u>Filing Date</u> <u>Publication Date</u> <u>Issue Date</u>
Safety Systems for Power Equipment (Brazil)	PI0014407-0	March 28, 2002
Safety Systems for Power Equipment (Canada)	2389598	March 22, 2002
Safety Systems for Power Equipment (China)	00816099.6 CN 1460054A	May 1, 2002 December 3, 2003
Safety Systems for Power Equipment (Europe)	00970518.7 1234285	April 16, 2002 August 28, 2002
Safety Systems for Power Equipment (India)	IN/PCT/2002/00542/MUM	April 24, 2002
Safety Systems for Power Equipment (Japan)	2001-528948	March 27, 2002
Safety Systems for Power Equipment (Mexico)	PA/a/2002/002884	March 14, 2002
Miter Saw With Improved Safety System	10/052,806 2002-0059855-A1 6,880,440	January 16, 2002 May 23, 2002 April 19, 2005
Miter Saw With Improved Safety System	60/270,942	February 22, 2001
Contact Detection System For Power Equipment	10/053,390 2002-0069734-A1	January 16, 2002 June 13, 2002
Contact Detection System For Power Equipment	60/270,011	February 20, 2001
Power Saw With Improved Safety System	10/052,273 2002-0059853-A1 6,813,983	January 16, 2002 May 23, 2002 November 9, 2004
Power Saw With Improved Safety System	60/270,941	February 22, 2001
Table Saw With Improved Safety System	10/052,705 2002-0056350-A1	January 16, 2002 May 16, 2002
Table Saw With Improved Safety System	60/273,177	March 2, 2001
Miter Saw With Improved Safety System	10/052,274 2002-0059854-A1 6,826,988	January 16, 2002 May 23, 2002 December 7, 2004
Miter Saw With Improved Safety System	60/273,178	March 2, 2001
Miter Saw With Improved Safety System	10/047,066 2002-0056348-A1	January 14, 2002 May 16, 2002
Miter Saw With Improved Safety System	60/275,594	March 13, 2001

<u>Title</u>	<u>Serial No.</u> <u>Publication No.</u> <u>Patent No.</u>	<u>Filing Date</u> <u>Publication Date</u> <u>Issue Date</u>
Miter Saw With Improved System Safety	10/932,339	September 1, 2004
Safety Systems For Power Equipment	60/275,595	March 13, 2001
Miter Saw With Improved Safety System	10/051,782 2002-0066346-A1 8,877,410	January 15, 2002 June 6, 2002 April 12, 2005
Miter Saw With Improved Safety System	60/279,313	March 27, 2001
Safety Systems for Power Equipment	10/100,211 2002-0170399-A1	March 13, 2002 November 21, 2002
Safety Systems For Power Equipment	60/275,583	March 13, 2001
Router With Improved Safety System	10/197,975 2003-0015253-A1	July 18, 2002 January 23, 2003
Router With Improved Safety System	60/306,202	July 18, 2001
Translation Stop For Use In Power Equipment	09/955,418 2002-0020265-A1	September 17, 2001 February 21, 2002
Translation Stop For Use In Power Equipment	60/292,081	May 17, 2001
Band Saw With Improved Safety System	10/146,527 2002-0170400-A1	May 15, 2002 November 21, 2002
Band Saw With Improved Safety System	60/292,100	May 17, 2001
Apparatus And Method For Detecting Dangerous Conditions In Power Equipment	10/172,553 2002-0190581-A1	June 13, 2002 December 19, 2002
Apparatus And Method For Detecting Dangerous Conditions In Power Equipment	60/298,207	June 13, 2001
Discrete Proximity Detection System	10/189,031 2003-0002942-A1	July 2, 2002 January 2, 2003
Discrete Proximity Detection System	60/302,937	July 2, 2001
Actuators for Use in Fast-Acting Safety Systems	10/189,027 2003-0005588-A1	July 2, 2002 January 9, 2003
Actuators For Use In Fast-Acting Safety Systems	60/302,916	July 3, 2001

<u>Title</u>	<u>Serial No.</u> <u>Publication No.</u> <u>Patent No.</u>	<u>Filing Date</u> <u>Publication Date</u> <u>Issue Date</u>
Actuators For Use In Fast-Acting Safety Systems	10/205,164 2003-0020336-A1	July 25, 2002 January 30, 2003
Actuators For Use In Fast-Acting Safety Systems	60/307,756	July 25, 2001
Safety Systems For Power Equipment	10/785,361	February 23, 2004
Safety Systems For Power Equipment	60/312,141	August 13, 2001
Safety Systems For Band Saws	10/202,928 2003-0019341-A1	July 25, 2002 January 30, 2003
Safety Systems For Band Saws	60/308,492	July 27, 2001
Router With Improved Safety System	10/251,576 2003-0056853-A1	September 20, 2002 March 27, 2003
Router With Improved Safety System	60/323,975	September 21, 2001
Logic Control With Test Mode For Fast-Acting Safety System	10/243,042 2003-0058121-A1	September 13, 2002 March 27, 2003
Logic Control With Test Mode For Fast-Acting Safety System	60/324,729	September 24, 2001
Detection System for Power Equipment	10/292,607 2003-0090224-A1	November 12, 2002 May 15, 2003
Detection System For Power Equipment	60/335,970	November 13, 2001
Apparatus and Method for Detecting Dangerous Conditions in Power Equipment	10/345,630 2003-0131703-A1	January 15, 2003 July 17, 2003
Safety Systems For Power Equipment	60/349,989	January 16, 2002
Brake Pawls for Power Equipment	10/341,260 2003-0140749-A1	January 13, 2003 July 31, 2003
Brake Pawls For Power Equipment	60/351,797	January 25, 2002
Miter Saw With Improved Safety System	10/643,296 2004-0040426-A1	August 18, 2003 March 4, 2004
Miter Saw With Improved Safety System	60/406,138	August 27, 2002
Retraction System And Motor Position For Use With Safety Systems For Power Equipment	10/794,161	March 4, 2004

<u>Title</u>	<u>Serial No.</u> <u>Publication No.</u> <u>Patent No.</u>	<u>Filing Date</u> <u>Publication Date</u> <u>Issue Date</u>
Retraction System And Motor Position For Use With Safety Systems For Power Equipment	60/452,159	March 5, 2003
Woodworking Machines With Overmolded Arbors	10/923,290 2005-0039822-A1	August 20, 2004 February 24, 2005
Table Saws With Safety Systems And Blade Retraction	60/496,550	August 20, 2003
Brake Cartridges for Power Equipment	10/923,273 2005-0039586-A1	August 20, 2004 February 24, 2005
<u>Brake Cartridges For Power Equipment</u>	<u>60/496,574</u>	<u>August 20, 2003</u>
Switch Box For Power Tools With Safety Systems	11/027,322	December 31, 2004
Switch Box For Power Tools With Safety Systems	60/533,598	December 31, 2003
Motion Detecting System for Use In A Safety System for Power Equipment	10/923,282 2005-0041359-A1	August 20, 2004 February 24, 2005
<u>Motion Detection System For Use In A Safety System for Power Equipment</u>	<u>60/496,568</u>	<u>August 20, 2003</u>
Detection Systems For Power Equipment	11/027,600	December 31, 2004
<u>Improved Detection Systems For Power Equipment</u>	<u>60/533,791</u>	<u>December 31, 2003</u>
<u>Detection Systems for Power Equipment</u>	<u>11/107,499</u>	<u>April 15, 2005</u>
Fences For Table Saws	11/027,254	December 31, 2004
<u>Improved Fence For Table Saws</u>	<u>60/533,852</u>	<u>December 31, 2003</u>
Table Saws With Safety Systems	11/026,114	December 31, 2004
<u>Improved Table Saws With Safety Systems</u>	<u>60/533,811</u>	<u>December 31, 2003</u>
Brake Cartridges And Mounting Systems For Brake Cartridges	11/026,006	December 31, 2004
<u>Brake Cartridges And Mounting Systems For Brake Cartridges</u>	<u>60/533,575</u>	<u>December 31, 2003</u>
Table Saws With Safety Systems And Systems To Mount And Index Attachments	11/045,972	January 28, 2005

<u>Title</u>	<u>Serial No.</u> <u>Publication No.</u> <u>Patent No.</u>	<u>Filing Date</u> <u>Publication Date</u> <u>Issue Date</u>
Improved Table Saws With Safety Systems And Systems To Mount And Index Attachments	60/540,377	January 29, 2004
Table Saw Throat Plates And Table Saws Including The Same	60/667,485	March 31, 2005
Miter Saw With Improved Safety System	11/098,984	April 4, 2005